



AUBURN OFFICE

ANDREW CUDDY
MANAGING ATTORNEY
ACUDDY@CUDDYLAWFIRM.COM
DIRECT DIAL 315-370-2404

April 4, 2022

ERIN MURRAY
ASSOCIATE ATTORNEY
EMURRAY@CUDDYLAWFIRM.COM
DIRECT DIAL 315-370-2406

VIA ECF

Honorable Judge Katharine Polk Failla
United States District Court
Southern District of New York
40 Foley Square
New York, NY 10007

MEMO ENDORSED

RE: *A.G., individually and on behalf U.A., v. N.Y.C. Dep't of Educ.,*
1:21-cv-11191-KPF

Dear Judge Failla,

I am the attorney for the Plaintiff in the above-referenced action, wherein Plaintiff seeks attorneys' fees incurred in the administrative proceeding under the Individuals with Disabilities Education Act, 20 U.S.C. § 1400, *et seq.*, as well as the instant federal action.

I write jointly with Defendant's counsel to propose a briefing schedule pursuant to the Court's January 21, 2022, Notice of Initial Pretrial Conference (Dkt. 5). As the parties are optimistic that this matter will be resolved through settlement and anticipate beginning settlement negotiations in short order, the parties jointly propose that the Court adjourn the pretrial conference scheduled for April 13, 2022, *sine die* and order the following briefing schedule:

- Plaintiff's motion for summary judgment will be due on July 15, 2022.
- Defendant's opposition will be due on August 12, 2022.
- Plaintiff's reply will be due on August 26, 2022.

The briefing schedule proposed above will afford the parties sufficient time to conduct settlement negotiations and account for the counsels' scheduled vacation plans. At this time, the parties believe that they can resolve the matter without further Court intervention. In the event the parties reach a point in settlement negotiations where the parties believe a settlement conference would aid and advance settlement, the parties will write the Court to request a settlement conference.

Respectfully submitted,

s/ Erin E. Murray

cc: Min Kyung Cho (via ECF)
Attorney for the Defendant

The Court is in receipt of the parties' above joint letter. For the reasons stated above, the Court hereby ADJOURNS the initial pretrial conference in this matter *sine die*. Additionally, the Court hereby ADOPTS the parties' proposed briefing schedule.

The Clerk of Court is directed to terminate the motion at docket entry 11.

Dated: April 4, 2022
New York, New York

SO ORDERED.

A handwritten signature in blue ink, reading "Katherine Polk Failla".

HON. KATHERINE POLK FAILLA
UNITED STATES DISTRICT JUDGE